

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

April 19, 2007

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, April 19, 2007, at 1:30 P.M., in the City Council Chamber, First Floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Darrell Downing-Chair; Don Anderson Vice-Chair; John W. McKay Jr.; Bill Johnson; Bob Aldrich; Elizabeth Bishop; M.S. Mitchell; Bud Hentzen; Ronald Marnell; Michael Gisick; G. Nelson Van Fleet and Don Sherman. Morris K. Dunlap and Hoyt Hillman were not present. Staff members present were: Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Jess McNeely, Senior Planner; Derrick Slocum, Associate Planner, and Maryann Crockett, Recording Secretary.

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1. Approval of the March 15 and April 5, 2007 MAPC minutes.

MOTION: To approve the minutes of the March 15, 2007 meeting.

ALDRICH moved, **ANDERSON** seconded the motion, and it carried (12-0).

MOTION: To approve the minutes of the April 5, 2007 meeting.

ALDRICH moved, **ANDERSON** seconded the motion, and it carried (12-0).

2. Consideration of Subdivision Committee recommendations from the meeting of April 12, 2007.

- 2-1. **SUB 2007-17: Final Plat -- SAVINA 5TH ADDITION**, located north of 29th Street North and west of Broadway.

NOTE: This is a replat of the Savina 4th Addition.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of City water and sanitary sewer to serve the lots being platted. City Water Utilities Department advises that the water distribution system be looped via connections at both 32nd and 33rd.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering has approved the drainage plan. The applicant will be removing the minimum pad.
- D. Due to the 32-foot streets, a restrictive covenant is needed limiting the site to single-family development.
- E. The Applicant shall guarantee the paving of the proposed streets.
- F. A petition for the applicant's share of future paving of the north side of 32nd St North shall be provided. This guarantee shall include an all-weather surface as required by City Fire

Department for connection with Jackson St to the south.

- G. Complete access control should be shown along Wichita Drainage Canal.
- H. The plat needs deltas added on both the curves along the South line of Lot 8, Block D.
- I. On Lot 5, Block D, the 54' Lot line and on Lot 6, Block D the 18' Lot line is not parallel with the centerline of the Street.
- J. It is recommended that the west lot lines of Lots 2 and 3, Block D be relocated to the west to line up with the lot lines to the south.
- K. At the Northeast corner of Lot 8, Block B, the curve arrow needs corrected.
- L. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- M. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- N. Since this plat proposes the platting of narrow street right-of-way with adjacent "15-foot street drainage and utility easements", a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- O. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 32-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- P. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- Q. GIS has approved the street names.
- R. The City Council certification needs to be revised to reference Carl Brewer, Mayor.
- S. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- T. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as

modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- U. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- V. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- W. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- X. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Y. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Z. Perimeter closure computations shall be submitted with the final plat tracing.
- AA. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

JOHNSON moved, **BISHOP** seconded the motion, and it carried (11-0).

MCKAY abstained due to a conflict of interest.

- 2-2. **SUB 2007-30: One-Step Final Plat -- LILLIE 2ND ADDITION**, located south of Maple and on the west side of Maize Road.

NOTE: This is a replat of the Lillie Addition. The site is subject to the Lillie Office Park Community Unit Plan (CUP 2005-28/DP-286). The plat includes a cul-de-sac with a reduced length.

STAFF COMMENTS:

- A. **City Water Utilities Department** advises that the applicant shall guarantee the extension of City water to serve the lots being platted. Sewer is available to serve Lots 1 and 2, however in lieu of assessment fees are needed for connection. The existing sewer on the south side of lot 3 is 27" and therefore can not be tapped into for individual services. The applicant shall guarantee the extension of sanitary sewer for Lot 3.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** has approved the applicant's drainage plan.
- D. The plat proposes one street opening along Maize Road and complete access control along the remaining plat frontage. **The access controls are approved.**
- E. In accordance with the CUP proposal, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- F. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- G. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the appropriate governing body, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

In the event it is determined that Floodway is located within the plat boundaries, the restrictive covenant shall reference floodway reserves.
- H. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- I. The perimeters of the proposed lots shall match the perimeters of the CUP parcel boundaries. A CUP adjustment will need to be approved.
- J. The name of the plat shall be corrected within the platting text.
- K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. The City Council certification needs to be revised to reference Carl Brewer, Mayor.
- M. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary

public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.

- P. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

JOHNSON moved, **BISHOP** seconded the motion, and it carried (12-0).

❖ **PUBLIC HEARINGS – VACATION ITEMS**

3-1. VAC 2007-08: Request to vacate a portion of a railroad, utility and drainage easement

OWNER/APPLICANT: Lee Real Estate, LLC

AGENT: KE Miller Engineering, c/o Kirk Miller

LEGAL DESCRIPTION: The north 20-feet of the platted 40-foot railroad, utility and drainage easement, located along the south lot line of Lot 22, Comotara Industrial Park Fifth Addition.

LOCATION: Generally located on the south side of 34th Street North and west of Webb Road

REASON FOR REQUEST: For future development.

CURRENT ZONING: Subject property, abutting and adjacent properties are zoned "LI" Limited Industrial.

The applicant request the vacation of the described portion of the platted railroad, utility and drainage easement. No railroad owns any portion of the easement. North of 35th St N in the Comotara Industrial Park 2nd Addition, there is track is owned by the City of Wichita which was to serve as a spur connecting The Comotara Industrial Park 2nd Addition to the Union Pacific. There are no known plans for the extension of the (Union Pacific Rail Road) tracks to the site or to the City owned properties. Part of the railroad, utility and drainage easement was vacated when Lots 15, 16, 17 and part of 14, Comotara Industrial Park 5th Addition, were platted into Lots 1 & 2, Mediterranean Plaza Addition, which abuts the site's south side. There is a sewer line in the easement. Comments from the franchised utilities and Storm Water have not been received and are needed to determine if they have utilities located within the easement. The Comotara Industrial Park 5th Addition was recorded with the Register of Deeds December 21, 1978.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, the Traffic Engineer, franchised utility representatives and other interested parties, Planning Staff recommends to approve the vacation request with conditions.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time March 29, 2007 which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the above-described platted railroad, utility and drainage easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

B. Therefore, the vacation of the platted railroad, utility and drainage easement described in the petition should be approved with conditions;

- (1) Vacate only that portion of the platted easement as described in the approved legal description, as approved by City Water & Sewer, Storm Water, Public Works and Utilities. Provide Planning Staff with a copy of the approved legal via e-mail on a word document.
- (2) Any relocation or reconstruction of utilities made necessary by the vacation shall be the responsibility and at the expense of the applicant. Provide Staff with the private project number for the relocation of the sewer line. Retain the easement until the sewer line has been relocated.
- (3) All improvements shall be to the City's standards and at the owner's expense
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate only that portion of the platted easement as described in the approved legal description, as approved by City Water & Sewer, Storm Water, Public Works and Utilities. Provide Planning Staff with a copy of the approved legal via e-mail on a word document.
- (2) Any relocation or reconstruction of utilities made necessary by the vacation shall be the responsibility and at the expense of the applicant. Provide Staff with the private project number for the relocation of the sewer line. Retain the easement until the sewer line has been relocated.
- (3) All improvements shall be to the City's standards and at the owner's expense
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to staff recommendations.

ALDRICH moved, **MCKAY** seconded the motion, and it carried (12-0).

3-2. VAC 2007-09: Request to vacate a portion of platted complete access control

<u>OWNER/APPLICANT:</u>	Kitchen Design, Inc., c/o Joseph P Konnesky
<u>LEGAL DESCRIPTION:</u>	Generally described as the existing 24-foot wide drive onto Central, located along the west side of Lot 2 (minus the west 70-feet of Lot 2), Atkisson Addition, Wichita, Sedgwick County, Kansas
<u>LOCATION:</u>	Generally located approximately 900-feet east of Edgemoor Drive, on the southwest corner of Central Avenue and Brookside Parkway (District #II)
<u>REASON FOR REQUEST:</u>	Wants to keep existing drive
<u>CURRENT ZONING:</u>	The site, adjacent eastern and abutting western properties are zoned "GO" General Office. Abutting southern properties are zoned "SF-5" Single-family Residential. Adjacent northern properties are zoned "LC" Limited Commercial.

The applicant has applied for vacation of complete access control along the site's Central frontage. The applicant, Kitchen Design, wants to keep a driveway that originally served what was a single-family residence, prior to the rezoning and replatting of the site. Z-2805 and Z-2804 (Published 6-30-88: see NOTE) rezoned Lots 5, 6, 7, 8 and 9 (the site's original legal), Block 4, Oakwood Estates from "AA" One Family Residential to "BB" Office ("GO" General Office), contingent on replatting within 1-year, with conditions and a restrictive covenant, COV#3. A condition of the replatting was the grouping of these residential lots into larger and fewer lots, with consideration of joint access and circulation to rear parking lots. The replatting resulted in the Atkisson Addition being recorded with the Register of Deeds June 16, 1988. The Atkisson Addition consists of Lots 1 & 2 (the site's current legal), containing the original five single-family residences/lots, of which only one remains residential. The Atkisson Addition shows complete access control on Lot 2's Central frontage, except for shared access located between Lots 1 & 2,

which does not include the applicants' existing drive: 30' (x) 70' shared ingress/egress dedicated by separate instrument, Film 966, Page 679.

Besides the drive onto Central that the applicant wants to keep, the applicant also has a drive onto Brookside Parkway. The Brookside drive is located on the applicant's east property line and is connected to the applicant's Central drive as well as the neighboring business' Central drive by a 'common' front yard parking area. The neighboring business' Central drive is mostly located in the shared ingress/egress shown on the Atkisson Addition plat. The rest of this drive is located on the east side of Lot 1, which, at this location has the lone remaining residence in this subdivision. Public Works is currently making improvements on Central Avenue, at this location, and is in the process of bringing businesses located in the Atkisson Addition into compliance with the requested zoning and required replatting. This process has been complicated by the fact that redevelopment of the single-family residences into office or neighborhood retail businesses has been slow and uneven. Cooperation among neighbors/owners in the development of their individual businesses has been uncertain, perhaps because of lack of understanding the zoning and platting conditions on their business site. 19 years after the rezoning and replatting of the 20 business sites, 8 of them remain residential, breaking up any continuous, shared redevelopment of the businesses.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, the Traffic Engineer, franchised utility representatives and other interested parties, Planning Staff recommends approval of the requested vacation of complete access control, based on the following findings:

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 - 1) That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time March 29, 2007 which was at least 20 days prior to this public hearing.
 - 2) That no private rights will be injured or endangered by the vacation of the above-described portion of platted complete access control and the platted wall easement and the public will suffer no loss or inconvenience thereby.
 - 3) In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of a portion of the platted complete access control described in the petition should be approved with conditions:
 - (1) Obtain the signatures of the owner of the west half of Lot 2, Atkisson Addition, before the vacation request proceeds to Council for final action
 - (2) Any relocation or reconstruction of utilities made necessary by the vacation shall be the responsibility and at the expense of the applicant.
 - (3) All improvements shall be to the City's standards and at the owner's expense
 - (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions;

- (1) Obtain the signatures of the owner of the west half of Lot 2, Atkisson Addition, before the vacation request proceeds to Council for final action
- (2) Any relocation or reconstruction of utilities made necessary by the vacation shall be the responsibility and at the expense of the applicant.
- (3) All improvements shall be to the City's standards and at the owner's expense
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to staff recommendations.

ALDRICH moved, **MCKAY** seconded the motion, and it carried (12-0).

❖ **PUBLIC HEARINGS**

4. **Case No.:ZON2007-11** – P & J Storage LLC (Applicant); Kendra Ernst (Owner); Certified Engineering Design (c/o Harlan Foraker-agent) Request County zone change from "RR" Rural Residential to "GC" General Commercial on property described as;

Commencing at a point 40 feet East and 457.42 feet North of the Southwest corner of the Southwest Quarter of Section 5, Township 27 South, Range 4 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence North 197.93 feet; thence in a Northeasterly direction 632.94 feet to the North line of the South half of said Southwest Quarter; thence East 349.42 feet; thence South 830.03 feet; thence West 417.42 feet to the point of beginning; EXCEPT that part deeded for highway in Deed Book 1415, Page 441. Generally located Northeast of the intersection of 21st Street North and 391st Street West (2250 N. 391st Street West).

BACKGROUND: The applicants are requesting a zone change from RR to GC to bring a non-conforming use into zoning compliance on an unplatted tract that is approximately six acre in size. The proposed zone change would permit vehicle storage uses south of Cheney Reservoir Dam, northeast of the intersection of North 391st St. and West 21st St. The applicant is seeking GC General Commercial zoning subject to a Protective Overlay that would permit the following uses: inside and outside storage, RV and boat storage, Vehicle repair, Marine repair, Self-service storage, Vehicle storage yard, RV and boat sales. The 5.9-acre site currently contains an old restaurant/convenience store and a fenced in area containing abandoned RV's and boats. The application area has approximately 827 feet of frontage along K-251 (391st. Street). Access to the site will be from K-251, via an existing driveway located on the southwest part of the property, directly in front of the vacant convenience store/restaurant.

The Sedgwick County Sign Code allows 19 different types of signage in the GC district, including billboards. One 300 square-foot billboard would be permitted on this site. Up to 1,140 square feet of

signage would be allowed on this site with a maximum size of 400 square feet for certain types of signs (e.g. wall, projecting, awning and canopy), and 300 square feet for ground or pole signs.

The surrounding area is undeveloped other than structures directly to the west, which are used for lake operations. The properties that would be impacted by this proposed rezone would be the vacant RR zoned property to the north and east, and the LC zoned property to the south. The site will have to be developed in conformance with zoning screening requirements, compatibility setbacks, height and noise standards, and zoning lighting limitations.

CASE HISTORY: The subject property was developed in 1966 and has been used in the past for storage of vehicles, including recreational vehicles, watercraft, and automobiles.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Vacant
SOUTH:	"LC"	Vacant
EAST:	"RR"	Vacant
WEST:	"RR"	Lake Operations

PUBLIC SERVICES: This site has access to 319th St., an extra-wide two-lane state highway (K-251). Running south of the subject site is 21st St., a two lane county road. There are no traffic volumes on this stretch of road in the county. Municipal sewer and water services are not available at this site. Currently, there is no rural water so water would be served by private water well and any sewer would be provided by septic or lagoon or alternative system.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Rural" development. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County, and predominately larger lot residential exurban subdivisions (normally with lot sizes of 2 acres or more) with provisions for individual, or community water and sewer services. Since the proposed use is a vehicle storage yard, that is considered an industrial use. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial sites should be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports and as extensions of existing industrial uses. Industrial traffic should not feed directly into local streets in residential areas and industrial uses should be generally located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas. However, the proposed restrictions make the request appropriate given its proximity to Cheney State Park.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to platting within one-year and a voluntary Protective Overlay #186 with the following conditions:

1. The Protective Overlay #186 shall limit the uses in the "GC" General Commercial district to allow only the following uses: Inside and outside storage, RV and boat storage, vehicle repair, marine repair, self-service storage, vehicle storage yard, RV and boat sales.
2. Screening, constructed of standard building materials, or an approved landscape buffer, shall be provided along the perimeter of the vehicle storage yard.
3. Outdoor lighting sources shall employ cut-off luminaries to minimize light glare on the adjacent roadway.

4. Portable signs, off-site signs, banners, string pennants and the like shall not be permitted, except for a banner sign permitted for 30 days from the opening of business.
5. Building heights shall be limited to 35 feet in height
6. Access to the site will be from K-251, via an existing driveway located to the west of the existing vacant convenience store/restaurant.
7. to the Planning Commission and to the Governing Body for their consideration.
8. Prior to publishing the resolution or ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is undeveloped vacant land. The proposed zone change will have a minor impact on the surrounding properties. This property has been used in the past as a vehicle storage yard and restaurant/convenience store. This rezone would provide for the proper zoning for those types of uses. The vacant property to the south is zoned LC, the properties to the north, east and west are zoned RR, with the only other development being to the west for lake operations.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR and the purpose of this zone is to accommodate very large-lot, single-family residential development in areas where a full range of municipal facilities and services are not available and not likely to be available in the near future. The current zoning is not suitable for the use that has been occurring there or for the future use of the property as a vehicle storage yard. Rezoning will allow for the vehicle storage yard and bring a non-conforming use into compliance.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requirements of the Unified Zoning Code and the recommended conditions of approval should help mitigate most of the detrimental impacts on properties from lighting, noise, and other factors.
4. Conformance of the requested change to adopted or recognized Plans/Policies:
The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Rural" development. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County, and predominately larger lot residential exurban subdivisions (normally with lot sizes of 2 acres or more) with provisions for individual, or community water and sewer services. Since the proposed use is a vehicle storage yard, that is considered an industrial use. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial sites should be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports and as extensions of existing industrial uses. Industrial traffic should not feed directly into local streets in residential areas and industrial uses should be generally located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas.
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities.

DERRICK SLOCUM Said item #7 had been deleted from the staff report. He added that staff was agreeable to removing the platting requirement and adding an additional provision to the protective overlay that no additional structures be built on site and the existing structure can be expanded up to 30% of utilized floor areas as stated in the Unified Zoning Code.

BISHOP asked staff to define “self-service storage”.

SLOCUM said clients are on their own and can come and go as they please.

HENZTEN asked staff what “vehicle repair” and “vehicle storage” meant, automobiles?

SLOCUM commented that he thought it meant recreational vehicles and marine vehicles and boats, but that he would let the agent provide clarification.

HARLAN FORAKER, CERTIFIED ENGINEERING DESIGN, agent for the applicant said the intent was for storage units, but the applicant would also like the flexibility to repair marine boats and recreational vehicles and also general vehicle repair if possible.

BISHOP clarified that if vehicle repair was allowed then that would entail storage of parts of vehicles so it would be somewhat of a salvage yard.

FORAKER said the applicant had no intent to operate a salvage yard.

MCKAY commented that vehicle storage yard could mean anything.

FORAKER said the business is intended for individuals to store usable, operable vehicles such as campers, pickups, recreational vehicles, etc. He said they thought vehicle storage yard covered that, but he didn't know what other interpretation there could be and reiterated that a salvage yard was not the intent.

MCKAY said a vehicle storage yard didn't bother him or working on motor homes, cars, trucks, or storage of equipment for that purpose; however, he was concerned about chopping up cars?

FORAKER asked if a condition could be added that all vehicles be operable?

Responding to a question, **GOLTRY** clarified that “vehicle storage yard” does not allow any kind of auto repair.

HENZTEN asked staff if there was language in other zoning cases that refers to the type of service this applicant wants to provide?

GOLTRY mentioned the CooCo at K-15 and 63rd St., south that allows RV self-service storage.

HENTZEN said he thought this was a good idea, but if it doesn't pan out, could they start a vehicle collision repair shop?

GOLTRY commented unless the Commission excluded vehicle repair.

ALDRICH suggested limiting it strictly to RV type repairs only, not “on road” vehicle storage or repairs.

BISHOP said she was concerned about the idea of parts and pieces of automobiles accumulating and asked if there was anything in the Code that addresses outdoor storage even where vehicle repair is allowed.

GOLTRY General Commercial was not as stringent as Limited Commercial.

MCKAY said he wasn't saying he was against it, but that he didn't know of any place that works on cars that doesn't have outside storage.

ALDRICH suggested staff change the wording to only RV type uses and asked if the applicant can come back at a later date and request something different.

GOLTRY said the protective overlay could be amended.

FORAKER said RV and boat storage would be the main focus; however, the applicant could potentially do some light automotive repair such as tune ups, oil changes etc, and vehicles could be stored outside, but this was in no way intended to be a salvage yard.

MOTION: To approve subject to staff recommendations.

JOHNSON moved, **BISHOP** seconded the motion, and it carried (11-1).

ALDRICH – No.

The Metropolitan Area Planning Department informally adjourned at 1:40 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2007.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)